

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Pyrotek, Inc.,	:	Civil Action No.: 05-CV-1891 DCN
	:	
Plaintiff,	:	Honorable Judge Donald C. Nugent
	:	
v.	:	Magistrate Judge Hemann
	:	
Molten Metal Equipment	:	
Innovations, Inc.,	:	
	:	
Defendant.	:	<hr style="border: 0.5px solid black;"/>

STIPULATION OF DISMISSAL BETWEEN PLAINTIFF AND DEFENDANT

WHEREAS, Plaintiff Pyrotek, Inc. (“Pyrotek”) and Defendant Molten Metal Equipment Innovations, Inc. (“MMEI”) have entered into a Settlement Agreement effective February 23, 2006;

NOW, THEREFORE, Pyrotek and MMEI stipulate, subject to approval of the Court, that:

1. Pyrotek’s complaint against MMEI is dismissed in its entirety with prejudice subject to the terms of The Settlement Agreement.
2. MMEI’s counterclaims in their entirety are dismissed with prejudice subject to the terms of the Settlement Agreement.
3. Each party shall bear its own attorney’s fees, expenses and costs.

STIPULATED AND AGREED TO THIS 2ND DAY OF MARCH 2006:

/s/ Steven M. Auvil

Steven M. Auvil (0063827)

sauvil@bfca.com

Bryan A. Schwartz

bschwartz@bfca.com

Bryan Jaketic

bjaketic@bfca.com

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**

2300 BP Tower

200 Public Square

Cleveland, Ohio 44114-2378

Telephone: (216) 363-4500

Facsimile: (216) 363-4588

David A. Nelson

david.nelson@lw.com

Eric H. Findlay

Eric.Findlay@lw.com

Amanda J. Hollis

amanda.hollis@lw.com

LATHAM & WATKINS

5800 Sears Tower

233 South Wacker Drive

Chicago, IL 60606-6401

Telephone: (312) 876-6569

Facsimile: (312) 993-9767

Shawn E. McDonald

shawn.mcdonald@lw.com

LATHAM & WATKINS

Ste. 4000

633 West Fifth Street

Los Angeles, CA 90071

Telephone: (213) 485-1234

Facsimile: (213) 891-8763

Attorneys for Plaintiff

Pyrotek, Inc.

/s/ Sasha Markovic (by permission)

Timothy J. O'Hearn

tohearn@jonesday.com

Robert L. Canala

rcanala@jonesday.com

Arthur P. Licygiewicz

alicygiewicz@jonesday.com

Sasha Markovic

smarkovic@jonesday.com

JONES DAY

901 Lakeside Avenue

Cleveland, OH 44114

Telephone: (216) 586-7313

Facsimile: (216)-579-0212

James A. DeRoche

jderoche@garson.com

GARSON & ASSOCIATES

1600 Rockefeller Bldg.

614 Superior Avenue, NW

Cleveland, OH 44113

Telephone: (216) 696-9330

Facsimile: (216) 696-8558

Attorneys for Defendant

Molten Metal Equipment Innovations, Inc.

So ORDERED and SIGNED this 6TH
_____ day of __MARCH____, 2006.

____s/Donald C. Nugent_____
Judge Donald C. Nugent
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2006 a copy of the foregoing **STIPULATION OF DISMISSAL BETWEEN PLAINTIFF AND DEFENDANT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven M. Auvil
Attorney for Plaintiff